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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DOMINO'S PIZZA FRANCHISING LLC, a Delaware limited liability company; and DOMINO'S PIZZA MASTER ISSUER LLC, a Delaware limited liability company,

Plaintiffs,

v.

CALVIN YEAGER, an individual; VALLEY PIZZA, INC., a Nevada corporation; and LAKESIDE PIZZA, INC., a California corporation,

Defendants.

CASE NO. 3:10-ms-00011

MOTION FOR SUPPLEMENTARY PROCEEDINGS

COMES NOW, plaintiffs DOMINO'S PIZZA FRANCHISING LLC and DOMINO'S PIZZA MASTER ISSUER LLC (collectively, "Domino's"), by and through their counsel, Armstrong Teasdale LLP, hereby moves this Court for an order requiring defendant Calvin Yeager to appear before counsel for Domino's for examination supplementary to execution on Tuesday, October 5, 2010, or some other date and time agreed upon between the parties in writing, upon the ground that a judgment has been entered herein in favor of Domino's and against defendants, including defendant Calvin Yeager, which remains unsatisfied.

This motion is based upon FRCP 69(a)(2) and NRS 21.270(1)(b), the Points and Authorities attached hereto, and such further argument the Court may permit.

DATED this 13th day of September, 2010.

ARMSTRONG TEASDALE, LLP

By ______________________

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POINTS AND AUTHORITIES

INTRODUCTION

This matter involves a dispute between a franchisor and franchisee, in which Final Judgment has already been rendered in the United States District Court for the Eastern District of Michigan in favor of Domino's, the franchisers of the well-known pizza delivery business bearing the "DOMINO"S PIZZA" name and logo. Defendants Calvin Yeager, Valley Pizza, Inc. ("Valley") and Lakeside Pizza, Inc. ("Lakeside") had been the owner and operator of franchises of Domino's. Yeager is or was President of both Valley and Lakeside.

In 2007, Domino's and defendants entered into two Franchise Agreements for the Valley and Lakeside franchises. Yeager also agreed to make full and prompt performance of all of the corporations' obligations as an Owner.

After defendants failed to comply with the provisions of the Franchise Agreements, Domino's commenced an action in Michigan, resulting in a Final Judgment against defendants in the amount of $768,676.93 and a permanent injunction. On August 3, 2010, the Final Judgment was entered with this Court.

In executing upon the Final Judgment, Domino's now seeks the Court's order for supplementary proceedings to allow Domino's to ascertain any and all assets of the defendants that may be executed upon to satisfy the Final Judgment.

ARGUMENT

I. ENFORCEMENT OF THE FINAL JUDGMENT

Fed.R.Civ.P. 69(a)(2) provides that:

> In aid of the judgment or execution, the judgment creditor or a successor in interest whose interest appears of record may obtain discovery from any person – including the judgment debtor – as provided in these rules or by the procedure of the state where the court is located.

Under Nevada law, NRS 21.270(1)(b) provides that a judgment creditor may at any time after the judgment entered seek an order from the judge requiring the debtor to appear and answer upon oath or affirmation concerning his property before any attorney representing the judgment creditor.

II. A DEBTOR'S EXAMINATION IS NECESSARY FOR EXECUTION

Having domesticated the Final Judgment against the defendants, Domino's now seeks to execute upon the assets of the defendants to satisfy the Final Judgment. To that end, as a judgment creditor, pursuant to Rule 69(a)(2) and NRS 21.270(1)(b), Domino's seeks an order from the Court to allow an examination of the judgment debtor to take place at the offices of counsel for Domino's at 50 West Liberty Street, Suite 950, Reno, Nevada 89501 on Tuesday, October 5, 2010 at 9:30 a.m., or at some other date and time agreed upon by the parties in writing.

CONCLUSION

Domino's has properly obtained and domesticated its Final Judgment with the District of Nevada, where defendants, or at least some of them, have either resided and/or conducted business. To assist in executing upon the Final Judgment, Domino's seeks this Court's order for supplementary proceedings to allow examination of the judgment debtor Calvin Yeager to determine what assets are available to execute upon to satisfy the Final Judgment. Therefore, Domino's respectfully requests this Court to grant its motion herein.

CERTIFICATE OF SERVICE

I, Zabett Buzzone, declare that:

I am over 18 years of age and not a party to, or interested in, the within entitled action. I am an employee of Armstrong Teasdale, LLP located at 50 West Liberty Street, Suite 950, Reno, Nevada, 89501.

On, September 13, 2010 I served the following document:

MOTION FOR SUPPLEMENTARY PROCEEDINGS

[X] BY MAIL [N.R.C.P. 5(b)] I caused each envelope to be placed for deposit with the U.S. Postal Service in a sealed envelope, with postage prepaid, and that each envelope was placed for collection and mailing on that date following ordinary business. I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the U.S. Postal Service. Correspondence so collected and processed is deposited with the U.S. Postal Service that same day in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit;

Calvin Yeager
1281 Kimmerling Road, Suite 18-A
Gardnerville, NV 89460

Calvin Yeager
987 Edgewood Circle
South Lake Tahoe, CA 96150

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Zabett Buzzone